

1 TIMOTHY P. MURPHY, ESQ. (Bar No. 120920)
2 DOLORES M. DONOHUE, ESQ. (Bar No. 111432)
3 EDRINGTON, SCHIRMER & MURPHY
4 2300 Contra Costa Blvd., Ste 450
5 Pleasant Hill, CA 94523
6 Telephone: (925) 827-3300

7 Attorney for Defendants, ANTIOCH UNIFIED SCHOOL DISTRICT;
8 DEBORAH SIMS, JO ELLA ALLEN, ROBERT BRAVO,
9 ANDY CANNON, RON LEONE, and BUKKY OYEBADE,
10 individually and in their official capacities.
11 (CASE NO.: C08-01709 SI)

12 Attorneys for Defendants

13 HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA, ELIZABETH
14 CAMPBELL, KATHY GUZMAN and JOANNA RODRIGUEZ
15 (CASE NO.: C08-01914 JCS)

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 DEARMAND E., a minor, by and through
19 DEARMAND ELLIS, JR., his father/legal
20 guardian; MICHAEL H., a minor, by and
21 through ONITA TUGGLES, his mother/legal
22 guardian; and NICHOLAS P., a minor, by and
23 through BETTINA LAWRENCE, his
24 mother/legal guardian.

25 Plaintiffs,

26 v.

CASE NO.: C08-01709 SI

**OPPOSITION TO ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED (L.R.3-12)
BY DEFENDANTS ANTIOCH UNIFIED
SCHOOL DISTRICT; DEBORAH SIMS, JO
ELLA ALLEN, ROBERT BRAVO,
ANDY CANNON, RON LEONE, and BUKKY
OYEBADE, individually and in their official
capacities**

(N.D. Local Rule No. 3-12(e))

18 CITY OF ANTIOCH, ANTIOCH POLICE
19 DEPARTMENT, JAMES HYDE, Chief of
20 Police, Antioch Police Department, in his
21 individual and official capacities; OFFICER
22 JAMES VINCENT (#3747), OFFICER
23 LEROY BLOXSOM (#2083), OFFICER
24 PFEIFFER (#3707), OFFICER M. ZEPEDA
25 (#4137), SERGEANT KEVIN ROGERS
26 (#2464), OFFICER R. SOLARI (#2372), in
their individual and official capacities;
ANTIOCH UNIFIED SCHOOL DISTRICT;
DEBORAH SIMS, JO ELLA ALLEN,
ROBERT BRAVO, ANDY CANNON, RON
LEONE, and BUKKY OYEBADE,
individually and in their official capacities.

Defendants.

Defendants, ANTIOCH UNIFIED SCHOOL DISTRICT; DEBORAH SIMS, JO ELLA ALLEN, ROBERT BRAVO, ANDY CANNON, RON LEONE, and BUKKY OYEBADE, (hereinafter "District Defendants") in *Dearmand E., et al v. City of Antioch, et al* case No. C08-01709 (hereinafter "*Dearmand E.*") and Defendants, HOUSING AUTHORITY OF THE COUNTY OF CONTRA COSTA, ELIZABETH CAMPBELL, KATHY GUZMAN and JOANNA RODRIGUEZ in *Tuggles v. City of Antioch* (No. 08-01914 JCS) (hereinafter "Housing Authority Defendants") oppose the *Williams v. City of Antioch* (No. 08-02301 SBA) (hereinafter "*Williams*") plaintiffs' Administrative Motion to Consider Whether Cases Should Be Related for the reasons set forth below.

I. INTRODUCTION

The *Williams* plaintiffs seek an order that the following three cases should be considered related:

1. *Williams v. City of Antioch* (No. 08-02301 SBA);
2. *DeArmand E. v. City of Antioch* (No. 08-01709 SI); and
3. *Tuggles v. City of Antioch* (No. 08-01914 JCS).

Pursuant to Northern District Local Rule No. 3-12(a) "[a]n action is related to another when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges."

A. The actions do not concern the same parties, property, transaction or event.

The *Williams* plaintiffs contend that the nature of the three actions, the discovery and the relief sought are similar enough to cause the three cases to be related and assigned to the same judge. The District Defendants and Housing Authority Defendants disagree.

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1 The *Williams* case is a class action suit filed on behalf of

2 “[A]l African-American Section 8 households who have held, currently
3 hold, may hold or are erroneously regarded by the City and officers of
4 the Antioch Police Department as holding, Section 8 housing vouchers
5 and all members of their household who reside, have resided or will
6 reside, in the City Antioch.” (*Williams*, First Amended Complaint,
7 paragraph 3.)

8 In *Williams*, plaintiffs allege that the City and its police department have somehow
9 engaged in a “concerted campaign” to reduce the African-American Section 8 population of the
10 City. Conduct is alleged to include focusing investigations of tenant-caused disturbances on
11 African-American households, soliciting complaints from neighbors of African-American
12 households, and conducting unlawful searches of these residences. The City is the only defendant
13 (*Williams*, First Amended complaint, paragraph 2.)

14 In *Tuggles*, a single plaintiff has sued the City of Antioch and certain of its employees
15 and the Housing Authority of Contra Costa County as well as some of its employees arising of
16 Section 8 termination proceedings. The issues are specific to this plaintiff. The Housing
17 Authority of Contra Costa County and its employees, represented by this law firm, are not parties
18 in either of the other two actions.

19 *Dearmand E.* is brought by three African-American male students of Deer Valley High
20 School in the Antioch Unified School District and relates solely to a single incident that occurred
21 on March 7, 2007, at a shopping adjacent to Deer Valley High School. The plaintiffs were
22 arrested by the Antioch Police Department and later expelled by the School District. The
23 allegations in the First Amended Complaint against the District Defendants relate solely to the
24 expulsions of the three students. The District Defendants are not parties in either of the other
25 lawsuits.

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1 **B. There is no likelihood of unduly burdensome duplication of effort should the**
 2 **cases not be related.**

3 The discovery in the cases will not be overlapping with respect to the District
 4 Defendants. As noted above, the allegations against the District Defendants have nothing to do
 5 with Section 8 housing, illegal searches or any claimed attempt to rid the City of African-
 6 Americans. Instead the discovery will be focused on whether the three students' rights were
 7 violated during the expulsion process. Discovery in the *Tuggles* case will be limited to the
 8 distinct claim for plaintiff's specific housing rights as opposed to the more general class
 9 allegations in *Williams*.

10 Not one of the nine "common elements" outlined by the *Williams* plaintiffs at page 4 of
 11 their motion is common to any proposed discovery against the District Defendants or Housing
 12 Authority Defendants. Yet, these Defendants would be obligated to spend time and money in
 13 this unnecessary discovery. The burden is obvious.

14 **C. The relief sought is different.**

15 Though there is injunctive relief sought in *Dearmand E.*, and *Tuggles* it is in no way
 16 similar to the injunction sought in the *Williams* case. In *Dearmand E.* and *Tuggles* no injunctive
 17 relief is sought against the District Defendants or the Housing Authority Defendants; rather, in
 18 *Dearmand E.* the injunction sought is to stop racial profiling of African-American students
 19 patronize businesses adjacent to the school and is sought against the City of Antioch's Police
 20 Department; in *Tuggles* the injuncetion sought is to stop copying and disseminating juvenile
 21 police reports without a court order. These are quite different from the injunction sought in
 22 *Williams*.

23 **II. CONCLUSION**

24 The District Defendants and Housing Authority Defendants see no valid basis for
 25 considering these three cases related and the *Williams* Plaintiffs have produced no evidence to
 26 support such a finding.

1 For the reasons set forth above, it is respectfully submitted that the moving parties have
2 failed to establish the necessary elements to support a finding that these three cases, *Tuggles*,
3 *Dearmand E.* and *Williams* are related pursuant to Local Rule 3-12.

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5 DATED: August 1, 2008

EDRINGTON, SCHIRMER & MURPHY

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7 By



Dolores M. Donohoe, ESQ.
Attorney for Defendants, ANTIOCH
UNIFIED SCHOOL DISTRICT;
DEBORAH SIMS, JO ELLA ALLEN,
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